



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

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## PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 2 (ALASKA) 700 MHZ REGIONAL PLAN

**PS Docket No. 06-229; WT Docket No. 02-378**

*Introduction.* On February 8, 2008, the Region 2 (Alaska)<sup>1</sup> 700 MHz Regional Planning Committee (RPC) (Region 2) submitted a proposed 700 MHz Public Safety Plan (Plan) for General Use<sup>2</sup> spectrum in the 769-775/799-805 MHz band.<sup>3</sup> On February 25, 2008, Region 2 submitted an amended Plan Appendix L - Alaska Detailed Channel Allotments by Area, to replace the initial channel allotment sort with the new consolidated narrowband frequencies.<sup>4</sup> For the reasons discussed below, we approve the Region 2 700 MHz Plan.

*Background.* In 1998, the Federal Communications Commission (Commission) established a structure to allow RPCs optimal flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment.<sup>5</sup> There are fifty-five RPCs, and each committee is required to submit its plan for the General Use spectrum.<sup>6</sup> The Commission's role in relation to the RPCs is limited to (1) defining the regional boundaries; (2) requiring fair and open procedures, *i.e.*, requiring notice, opportunity for comment, and reasonable consideration; (3) specifying the elements that all regional plans must include; and (4)

<sup>1</sup> The Region 2 (Alaska) 700 MHz regional planning area includes twenty-seven boroughs (county-like areas) and is bordered by Canada on the East, the Pacific Ocean on the South, the Bering Sea on the West and the Arctic Ocean on the North. In addition, there are 230 federally-recognized Native tribal entities.

<sup>2</sup> The General Use spectrum is administered by regional planning committees (RPCs) and is licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

<sup>3</sup> See Letter from Dean Strid, Chair, Region 2 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 02-378 (filed Feb. 8, 2008) (submitting Plan).

<sup>4</sup> See Letter from Dean Strid, Chair, Region 2 700 MHz Regional Planning Committee, to Federal Communications Commission, Public Safety and Homeland Security Bureau, WT Docket No. 02-378 (filed Feb. 25, 2008) (submitting an amended Plan Appendix L – Alaska Detailed Channel Allotments by Area Name Channel Class Base Frequency Mobile Frequency).

<sup>5</sup> See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152 (1998) (*First Report and Order*); *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000). See also 47 C.F.R. § 90.527.

<sup>6</sup> See 47 C.F.R. § 90.527. Each RPC must incorporate certain common elements into its 700 MHz plan. A list of 700 MHz RPCs and region activities is available at <http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz/>.

reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.<sup>7</sup>

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.<sup>8</sup> The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

*Plan Requirements.* Each committee is required to submit its plan for the assignment of licenses for General Use spectrum.<sup>9</sup> Each regional plan must contain certain elements<sup>10</sup> and must be coordinated with adjacent regions.<sup>11</sup> RPCs are expected to ensure that their committees are representative of all public safety entities in their regions by providing adequate notice of all meetings, opportunity for comment, and reasonable consideration of views expressed. Plans must include an explanation of how all eligible entities within the region were given such notice.<sup>12</sup> Plans should list the steps undertaken to encourage and accommodate all eligible entities to participate in the planning process, such as holding meetings in various parts of the region. In addition, a regional plan should describe outreach efforts made to tribal governments.<sup>13</sup>

Regional plans may differ in approaches to spectrum planning and management. In particular, some plans may make specific assignments to eligible public safety entities, while others may establish an allotment pool approach based on political boundaries such as counties.<sup>14</sup> However, all 700 MHz plans submitted for review and approval must sufficiently address each of the common elements in the

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<sup>7</sup> *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

<sup>8</sup> Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

<sup>9</sup> See 47 C.F.R. §§ 90.527, 90.531. The 700 MHz public safety band plan contains 24 MHz of spectrum for public safety services at 763-775 MHz and 793-805 MHz, and the narrowband allocation is divided into several segments by designated purpose: General Use, Interoperability, Secondary Trunking, State License, Low Power and Reserve channels.

<sup>10</sup> See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

<sup>11</sup> See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

<sup>12</sup> See *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84. The Commission directed RPCs to promptly adopt operating procedures that “ensure that all entities will be given reasonable notice of all committee meetings and deliberations.” *Id.* at 195 ¶ 86.

<sup>13</sup> *Id.* at 193-94 ¶ 84

<sup>14</sup> See Revised Plan, Appendix L – Alaska Detailed Channel Allotments by Area (includes channel name, channel class, base and mobile frequencies). The Region 2 channel allocation plan was developed using the Computer Assisted Pre-coordination Resource and Database System (CAPRAD), a spectrum management tool provided by National Institute of Justice, National Law Enforcement and Corrections Technology Center. The CAPRAD system is available at <http://caprad.nlectc.du.edu..>

Commission's regional plan requirements.<sup>15</sup> RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).<sup>16</sup>

*Review of the Region 2 700 MHz Plan.* Region 2 convened its first meeting on May 22, 2003,<sup>17</sup> wherein it appointed its officers. On June 24, 2003, Region 2 established a Technical Subcommittee,<sup>18</sup> and adopted bylaws.<sup>19</sup> The Plan includes a detailed membership list,<sup>20</sup> an outreach notification process,<sup>21</sup> and meeting minutes.<sup>22</sup> The Revised Plan describes the procedures for requesting spectrum allotments,<sup>23</sup> and outlines system implementation criteria and spectrum utilization.<sup>24</sup> The Plan explains efficiency requirements, discusses the use of interoperability channels,<sup>25</sup> and provides low power channel usage guidelines.<sup>26</sup> The Plan also addresses its process for future spectrum planning and plan modification.<sup>27</sup> The Plan was adopted by its members on January 23, 2008, and the Region 2 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).<sup>28</sup>

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<sup>15</sup> 47 C.F.R. § 90.527.

<sup>16</sup> The NCC was a federal advisory committee established by the Commission in 1999 to address and advise the Commission on operational and technical parameters for use of the 700 MHz public safety band. In addition, the NCC was tasked with providing voluntary assistance in the development of coordinated regional plans, and developed a *Regional Planning Guidebook*. Following the sunset of the NCC's charter on July 25, 2003, the National Public Safety Telecommunications Council (NPSTC) agreed to continue to provide assistance to regional planners. A copy of the 700 MHz Regional Planning Guidebook is available at the NPSTC website at <http://www.npstc.org/documents.html>.

<sup>17</sup> See Plan, Section 4 – Information and Notification Process at 13.

<sup>18</sup> See Plan, Section 5.2 Technical Subcommittee at 14 (duties include, *inter alia*, application review, coordination with FCC certified frequency coordinators and advisors, review and update Plan annually as necessary, and monitor implementation of systems).

<sup>19</sup> See Plan Appendix A – Bylaws (adopted July 24, 2003).

<sup>20</sup> See Plan Appendix B – Region 2 700 MHz Regional Planning Committee (membership).

<sup>21</sup> See Plan, Section 4 – Information and Notification Process at 13-15 (stating that meeting announcements posted to public safety websites in Alaska, as well as to members of the Alaska Land Mobile Radio (ALMR) system (a partnership of federal, state and local public safety entities operating a wide area VHF Project 25 trunked radio network)).

<sup>22</sup> See Plan Appendix D – Summary of Past Meetings (copies of meeting notices, agenda and minutes).

<sup>23</sup> See Plan, Section 5.3 – Procedure for Requesting Spectrum Allotments at 14-15; *see also* Plan, Section 8 – Allocation of General Use Spectrum at 21-23.

<sup>24</sup> See Plan, Section 9 – Applicant Requirements and Evaluation at 27-32 (applications will be accepted on a first-come, first-served basis; application criteria includes, but is not limited to, trunking requirements, interference protection, spectrum efficiency standards, and system implementation).

<sup>25</sup> See Plan, Section 6.0 – Interoperability at 16-21 (listing calling channel names and functions; infrastructure to support interoperability channels; tactical channels; deployable systems and trunking). In addition, the State of Alaska Statewide Interoperability Executive Committee (SIEC) will administer the 700 MHz state interoperability channels.

<sup>26</sup> See Plan 8.2 – Low Power Secondary Operations at 23-24. We note that Region 2 has suggested a maximum power limit of six (6) watts effective radiated power (ERP), which exceeds the Commission's limits. See 47 C.F.R. §§ 90.531(b)(3)-(4) (specifying the transmitting power limits for low power channels, (which includes both RPC managed low power channels, as well as low power itinerant channels) at a maximum of two (2) watts ERP)).

<sup>27</sup> See Plan, Section 8.0 – Future Planning Process at 33-38.

<sup>28</sup> See Plan Section 14 – Certification By Chairperson that Regional Planning Process was Open to the Public.

The Region 2 Plan pre-allocates the consolidated narrowband General Use spectrum by borough area.<sup>29</sup> Because no regions are adjacent to Region 2, adjacent region coordination is not required.<sup>30</sup>

On June 4, 2008, the Bureau released a *Public Notice* seeking comment on the Region 2 Plan.<sup>31</sup> We received no comments on the plan. Based on our review of the Plan submitted by Region 2, we conclude that it complies with FCC rules and policies. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Revised Region 2 (Alaska) 700 MHz Public Safety Plan is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Chief, Policy Division, Public Safety and Homeland Security Bureau.

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<sup>29</sup> See Plan, Appendix L – Region 2 Alaska Detailed Channel Allotments by Area Name, Channel Class, Base and Mobile Frequency (submitted Feb. 25, 2008).

<sup>30</sup> Applications for authorization of the 700 MHz General Use spectrum will require coordination with the Canadian Radio-Television and Telecommunications Commission (CRTC) through Public Safety Frequency Coordinators. A list of coordinators is available on the Public Safety and Homeland Security (PSHSB) website at <http://www.fcc.gov/pshs/public-safety-spectrum/coord.html#700800>.

<sup>31</sup> See Comments Invited on Region 2 (Alaska) 700 MHz Regional Planning Committee Proposed Public Safety Plan, PS Docket No. 06-229, WT Docket No. 02-378, *Public Notice*, 23 FCC Rcd 8696 (PSHSB 2008). Comments were due June 25, 2008, and reply comments were due July 7, 2008.